

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America)	CR No: 3:06-1225-JFA
)	
v.)	
)	
Tyrone Shelley)	ORDER
a/k/a Shelley Dog)	
a/k/a Gary Brown)	
Ronchez Shelley)	
a/k/a Tyrone Tucker)	
Ranchez Shelley)	
a/k/a Twin)	
_____)	

This matter came before the court on the motion of the government filed March 27, 2007 suggesting that the court should inquire into an actual or potential conflict of interest by the attorney presently representing defendant Tyrone Shelley. At a hearing on the motion on April 18, 2007, the court heard the concerns expressed by the United States Attorney's Office and from Mr. Shelley's attorney, Joenathan Chaplin, Esquire. After fully considering the matter, the court finds it must require Mr. Chaplin to recuse himself in this case.

The record reflects that Mr. Shelley has been charged in a three defendant, eight-count indictment which alleges he is a member of a conspiracy that possessed with intent to distribute and distributed crack and powder cocaine. Mr. Shelley is also charged with possessing with intent to distribute crack and powder cocaine.

In the course of developing its case, the government interviewed Ms. Teresa Howard pursuant to a proffer agreement she signed on March 27, 2007. Ms. Howard is currently

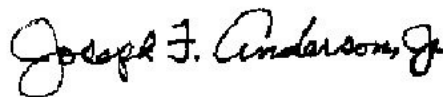
serving a sentence for state drug charges. Mr. Chaplin represented Ms. Howard on the state drug charges and negotiated her plea deal. The government intends to use Ms. Howard as a witness in its case against Mr. Shelley.

The court finds that there is a grave risk of an actual conflict of interest if Mr. Chaplin continues to represent Mr. Shelley given his representation of Ms. Howard, whom the government intends to call as a witness.

For the foregoing reasons, the court finds it must grant the government's motion to disqualify Mr. Chaplin from further representation of Mr. Shelley. Mr. Shelley informed the court during the hearing that he wishes to retain new counsel of his choosing. The court directs Mr. Shelley to notify the court by May 18, 2007 of the identity of his new counsel.

The court, with the consent of counsel for co-defendants Ronchez Shelley and Ranchez Shelley, continues the pending motions to sever until such time that Mr. Shelley retains new counsel.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

April 19, 2007
Columbia, South Carolina

s/ Joseph F. Anderson, Jr.
United States District Judge